



Atty Dkt No. 1397.002
Client No. 2302-1397
PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on June 17, 1999.

6/17/99
Date

Michelle Fussel
Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

O'Hagan et al.

Serial No.: 09/015,736 Group Art Unit: 1643

Filing Date: January 29, 1998 Examiner: Unassigned

Title: USE OF MICROPARTICLES COMBINED WITH SUBMICRON OIL-IN-WATER EMULSIONS

RESPONSE TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement dated May 21, 1999. The Examiner therein required election of one of the following groups of claims:

Group I, claims 1-13 and 28-30 drawn to a vaccine composition and methods of making that composition; and

Group II, claims 14-27 drawn to methods of immunization using the composition.

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Applicants hereby elect to prosecute the claims of Group I, claims 1-13 and 28-30, without traverse. Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

In response to the species election requirement, applicants elect the composition comprising HCV E2. The elected claims reading on this species are claims 1-5, 8-13 and 28-30. It is to be understood that this election of species is for the purposes of preliminary search and examination only, and that upon allowance of a generic claim, applicants will be entitled to consideration of claims to the additional species.

Respectfully submitted,

Date: 6/17/99

By: Roberta L. Robins

Roberta L. Robins
Registration No. 33,208
Attorney for Applicants

CHIRON CORPORATION
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TECH CENTER 1600/2900

O'Hagan et al.

Serial No.: 09/015,736

Group Art Unit: 1643

Filing Date: January 29, 1998

Examiner: Unassigned

Title: USE OF MICROPARTICLES COMBINED WITH SUBMICRON OIL-IN-WATER EMULSIONS

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is a Response to Requirement for Restriction mailed May 21, 1999. No fee is due.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: 6/17/99

By: Roberta L. Robins
Roberta L. Robins
Registration No. 33,208
Attorney for Applicants

CHIRON CORPORATION
Intellectual Property R440
P.O. Box 8097
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RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE:

FROM/ATTORNEY:

FIRM:

PAGES, INCLUDING COVERSHEET:

PHONE NUMBER:

TO EXAMINER: Mary K Zeman

ART UNIT: 1643

SERIAL NUMBER: 09/015,736

FAX/TELECOPIER NUMBER: (703) 305-3704

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: _____

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